

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CVS CORPORATION and REVCO)
DISCOUNT DRUG CENTERS, INC.,)
Plaintiffs,)
v.)
IVAN'S SAVE-A-LOT COMPANY,)
Defendant)

No. 3:04-CV-334
(Phillips)

AGREED ORDER EXTENDING TIME TO RESPOND TO DISCOVERY, SERVE
EXPERT REPORTS, AND FILE MOTIONS DIRECTED TO DISCOVERY AND
EXPERT TESTIMONY

The Court has been duly advised that the Plaintiffs in the above-styled action, CVS Corporation and Revco Discount Drug Centers, Inc., and the Defendant, Ivan's Save-A-Lot Company, have come to an agreement on the following matters:

1. That the parties need additional time to adequately prepare expert disclosures in accordance with Federal Rules of Civil Procedure 26(a)(2) because the defendant needed to reschedule to July 12, 2005 depositions that Plaintiff had properly scheduled for an earlier date and for other reasons related to non-production of certain documents and the loss of an item of evidence, and the parties agree that Plaintiffs' expert disclosures can be and have been provided by September 7, 2005 and that Defendant's expert disclosures can be provided by October 7, 2005.

2. That the Defendant needs additional time to adequately prepare answers and responses to Plaintiff's First Set of Interrogatories and Request for Production of Documents, propounded July 13, 2005, and the parties have agreed that Defendant's answers and responses can be provided by October 7, 2005 but the parties do not believe there is reason to extend the date of the trial scheduled for December 14, 2005 if this extension is granted.

EXHIBIT

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WHEREUPON the Court is of the opinion that this agreement and stipulation is proper, for good cause, and not for the purposes of delay. Accordingly, it is hereby ORDERED as follows:

1. That the due dates set forth in the Scheduling Order to provide expert disclosures in accordance with Federal Rule of Civil Procedure 26(a)(2) is extended such that Plaintiffs' disclosures are due September 7, 2005, Defendant's disclosures are due October 7, and the due date to file *Daubert* motions is extended to November 7, 2005.
2. That the due date for Defendant to serve answers and responses to Plaintiff's First Set of Interrogatories and Request for Production of Documents is October 7, 2005 and that the due date for the parties to file motions directed toward discovery is extended to October 22, 2005.

DONE and ORDERED, this _____ day of _____, 2005.

s/ C. Clifford Shirley, Jr.

United States Magistrate Judge

Thomas W. Phillips,
United States District Court Judge

AGREED TO:

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